

as it relates to the subject matter removed from claim 45 and included in new claim 50.

Accordingly, no new matter is added by the amendments to claims 45 and 48, and by new claims 50-54. Currently, claims 16, 38, 39, 42-45, and 48-54 are pending in this application.

I. *Comments*

In a telephone interview between the Examiner and Applicant's undersigned representative on March 31, 2003, the Examiner requested that Applicant submit the required Declaration under 37 C.F.R. § 1.804. The Examiner also requested that a second Declaration by Dr. Owman and Dr. Bristulf be submitted, confirming that the Lyme21-9 clone originally disclosed in the application was the same clone that both Dr. Owman and Dr. Bristulf sequenced. In addition, the Examiner requested that claims 40 and 41 be cancelled as substantial duplicates of claims 38 and 39, respectively. Finally, the Examiner requested that claim 45 be separated into two claims, one directed to a method for assaying a ligand of a heptahelix receptor, and the other directed to a method for assaying antagonists and agonists of a ligand of a heptahelix receptor. In conjunction with this change, the Examiner also asked that claim 45 be amended to recite a result that relates back to the preamble of the claim.

Attached to this Amendment is a Declaration Under 37 C.F.R. § 1.804, of Dr. Bjorn Olde, stating that the Lyme21-9 clone originally isolated by Dr. Owman, and disclosed in the present application, is the same clone that was deposited at the ATCC. The Lyme21-9 clone disclosed in the present application, as originally filed, has been assigned Accession No. PTA-4543.

Applicant believes that the attached Declaration of Dr. Olde satisfies the requirements of 37

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C.F.R. § 1.804(b). Applicant submits that the deposit of clone Lyme21-9 has been made in accordance with PTO rules. Therefore, Applicant requests that the Office accept the deposit.

Attached to this Amendment is also a Declaration Under 37 C.F.R. § 1.132, of Dr. Owman and Dr. Bristulf, stating that the Lyme21-9 clone originally sequenced by Dr. Owman is the same Lyme21-9 clone sequenced by Dr. Bristulf. The declarants further state that the clone they both sequenced is the same clone that was originally disclosed in the present application. Further, the declarants state that the clone that they both sequenced is the same clone that was deposited at the ATCC, and that was assigned Accession No. PTA-4543. Applicant believes that the attached Declaration Under 37 C.F.R. § 1.132 addresses the Examiner's request made during the telephone interview with the undersigned representative.

During the telephone interview, the Examiner stated that it appeared that claims 40 and 41 were substantial duplicates of claims 38 and 39, respectively, because the heptahelix receptor recited in claims 38 and 39 are leukotriene B4 receptors. To expedite allowance of this application, and in view of the fact that claims 38 and 39 encompass the subject matter recited in claims 40 and 41, respectively, by this Amendment, claims 40 and 41 are cancelled. Because claims 38 and 39 encompass the subject matter recited in claims 40 and 41, Applicant has not abandoned, or in any way excluded from the claims, the subject matter recited in claims 40 and 41.

As stated above, during the telephone interview, the Examiner requested that claim 45 be divided into two claims, and that it be amended to recite a result that relates back to the preamble. By this Amendment, claim 45 has been amended to eliminate subject matter directed to a method for assaying an antagonist or agonist of a ligand for the heptahelix of this invention.

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It has also been amended to recite a result that relates back to the preamble. The subject matter eliminated from claim 45 has been maintained in the application as new claim 50 (and its dependent claims). Applicant believes that the amendment of claim 45 and the corresponding addition of claims 50-54 address the Examiner's request.


II. *Conclusion*

Applicant respectfully submits that this application is in condition for allowance. Therefore, prompt and favorable examination is requested. If the Office believes anything further is necessary in order to place this application in condition for allowance, Applicant requests that his undersigned representative be contacted at the telephone number or e-mail address listed below.

Please grant any extensions of time required to enter this Amendment, and charge any required fees that are not submitted herewith to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Date: April 7, 2003

Attachments:

Declaration Under 37 C.F.R. § 1.132  
Declaration Under 37 C.F.R. § 1.804  
Appendix

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**APPENDIX**  
**(accompanying Amendment of April 7, 2003)**

**09/893,512**

**IN THE CLAIMS:**

Please amend claims 45 and 48 as follows:

45. (Amended) A method for assaying a ligand [or an antagonist or agonist for said ligand] for a heptahelix receptor, said method comprising:

providing a heptahelix receptor encoded by a nucleotide sequence present in plasmid clone Lyme21-9;

incubating the receptor with a test sample suspected of containing the ligand[, antagonist, or agonist]; and

detecting binding between the receptor and the ligand, [antagonist, or agonist]

wherein binding indicates that a ligand for the receptor is present in the sample.

48. (Amended) The method of claim 45, wherein the heptahelix receptor is expressed on [an] a cellular membrane of a host cell transfected or transduced with DNA encoding the receptor.

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